

Excelsior

VOL. I.

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NO. 262.

NATIONAL REPUBLICAN.

KENTUCKY.

(This fine poem was evidently written before the civil war began.)

There she stands!
In the midst of the embattled stars,
And confronts the rage of Mars,
Olive-crowned, with olive branches in
her hands,
There among the stars she stands!

There between the vane of battle—there she stands!
Central splendor of the civil constellation!
Down she huris the broken falchion and ex-
tends her bloodless hands:
"Spare, 'Spare, O Nation!"
Like the Saviour, there she stands!

Peace imploring—there she stands:
O beware, ye who would trample
Down her beautiful example:
Thrice beware,
Ye who would tear
The inviolable olive from her consecrated
hands!

He shall die a shuffling traitor
Who shall ruthlessly pluck down
From her hands the olive branch, or from her
brows the olive crown;
By the same sword he shall perish which it
draws to immortal her.

Every scorpion shall expire
By the same fierce fangs of fire
Which he dares to desecrate her!
Carriage shall not desecrate her,
Trojan shall not violate her,
Tempt her nor intimidate her,
Though she falls right where she stands!

Orbed in order, crowned with olive—there she in-
vokes peace she stands!
There, despite the mad confusion,
Weak and fear of revolution,
Anarchy and dissolution,
In the music and the glory of the good
old Constitution,
Sphered forever there she stands!
K is there Kentucky stands!

Commemorated for the National Republican.

The Constitutional Power of the President
to Make Arrests and to Suspend
the Writ of Habeas Corpus, Examined.

The question of opinion which is expressed
throughout the country, by various editors and
judges of unquestioned loyalty, upon the con-
stitutional power of the President to make ar-
rests and to suspend the writ of habeas corpus,
seems to demand further discussion. I there-
fore briefly review the learned opinion of the
Attorney General of the United States, in order
to show that the President, in arresting persons
in criminal complicity with the insurgents, and
in the suspension of this writ, has only exer-
cised the constitutional power vested alike in
his predecessors in office, and does not re-
quire any apology to defend him, as an inno-
vation on the Constitution.

Judge Bates grasps the entire system of our
free Government, and admirably contrasts it
with the Governments of Europe.

In European nations, the sovereignty resides
not in the people, but in the Government. Their
Governments exercise and possess absolute
power; whereas, according to the Ameri-
can theory, the sovereignty resides in the peo-
ple, and their Government possesses only lim-
ited and delegated powers, not absolute.

It is a truism to the historic fact, that the em-
pire of the American people of the Revolution
was not against the legislative or judicial powers
of the English Government, but against the King.

The reason was that the crown represented
and assumed the exercise of this absolute power,
making the people but the subjects or slaves
of the individual man.

The American people, therefore, in making
a Government without a throne, were scrupulously
careful to reserve the sovereignty to themselves;
and hence their Government can exercise no
other powers than those the people have con-
ferred upon it. He ably shows that the
people were equally precise in distributing the
granted powers to three co-ordinate depart-
ments, each independent of the other; and the
President, though in no sense a sovereign, is
independent in his sphere, and not subordinate
to the other departments of the Government.

He presents the philosophic idea, that our
fathers never attempted to provide a common
judge or arbiter in cases of conflict between
the executive, judicial, and legislative powers
of our system, and therefore deduces that the
President cannot rightfully be called in ques-
tion in the exercise of his power by the legis-
lative or judicial departments. Hence, in using
his constitutional powers, he is in no way
affected by their decisions to the contrary; each
being limited in their spheres and co-ordinate
and independent.

That proposition being established, he pro-
ceeds to ascertain precisely what powers the
President may constitutionally exercise. He
proves conclusively that the President is only
a civil magistrate although by the Constitution
he is made the Commander-in-Chief of the
army and navy and of the militia of the several
States when called into the active service of
the United States; and in directing the mili-
tary power of the country, he does so as a civil
magistrate and not as a military chief.

This is the first time in our history that we
have encountered the horrors of civil war. The
first time that we have felt that we were in con-
flict with the physical force of the nation.
In our previous history, this force has been
directed against foreign rather than domestic
foes, and the new step of the exercise by the
President of extraordinary military power, has
never been witnessed before by the American
people! Hence, they had not realized its
nature or extent, which, nevertheless, is a con-
stitutional power and would have been exer-
cised by every faithful chief magistrate who
has administered the Government under a simi-
lar emergency.

In making plain the important truth, that
although we have hundreds of thousands of
men moving in vast armies in the field, they
move in strict subordination to the civil magis-
trate; the Attorney General has done an in-
valuable service to our constitutional liberty.

So long now, as our legislatures and courts
refrain from encroaching on the President in the
exercise of his powers, and so long as the vast
military power remains subject to his control,

just so long, and no longer, are our liberties
safe!

If the time shall ever come, when weak or
over-zealous editors and corrupt politicians
shall persuade judges or legislators to trans-
gress their constitutional powers, by attempt-
ing to circumscribe or restrain the President's
legitimate action, or whenever a military chief
shall acquire such an influence over the
armies under his control, as to disregard the
orders of the President, and set the military
above the civil power, then are our liberties on
this continent hopelessly gone!

Judge Bates next notices the duties imposed
on the President by the Constitution, which
require him to "preserve, protect and defend"
the name, and to execute the laws over the na-
tion. He argues, that in case of rebellion or
invasion, when the judicial power is weakened
or overborne, so that the civil authorities can-
not be exercised by the ordinary agencies of
Government, it becomes the duty of the Presi-
dent to "take care" that the laws shall be ex-
ecuted, and for this purpose, (as in the present
case) it is necessary to use military force.

In such an extraordinary emergency, the Presi-
dent is made the sole judge of the manner in
which it is most prudent to employ the powers
entrusted to him. He must decide whether the
rebellion or invasion exists to the extent of
displacing the civil power; but in exercising the
laws by the army, he does not subordinate the
civil, or evade the military power. He holds the
military over subject and subordinate to the
civil authority. He is not made a military
dictator, a warrior, or a usurper in his consti-
tutional exercise as "Commander-in-Chief," but
is required to stay at the Capital, in the Presi-
dential mansion, and to hold in his hands the
civil authority as supreme over armies.

The Constitution does not call on the govern-
ment judges. They may sit unconcerned in the
struggle, for when they please, until the
armed forces come within their presence! Just
as they did when the Capitol was on fire a few
years ago. When the news reached the Su-
preme Court, Judge Taney inquired where it
was, and being informed it was in the library,
remarked they would proceed with the case
until it reached the Supreme Court room.

So, I presume, he will continue in the present
struggle, unless the fires of the rebellion should
catch and consume his own chambers!

Under this branch of the argument the At-
torney General shows that the Constitution
does not invest the judicial department of
the Government with the functions of deter-
mining whether rebellion or invasion exists, that
being a political question; it is left being to de-
termine the political Government of the nation and
struggle upon its ruins.

He frees himself with extraordinary ease
from the mere technicalities of his profession,
and rises at once to the true dignity and com-
prehensiveness of the statesman.

He demonstrates that the President, as the
political head of the Government, is charged
with the solemn duty of making war against
the rebellion and of arresting and holding as
prisoners those who in the exercise of his dis-
cretion he believes to be the friends and ac-
complices of the treason.

He has and exercises no judicial powers;
and the judiciary has no political powers and
claims none; therefore, no court or judge can
take cognizance of the political acts of the Presi-
dent.

If, then, in time of the rebellion, the Presi-
dent, in the exercise of his powers, (whenever
the public safety may require it, of which he
alone is judge, under the Constitution,) shall
arrest any traitor or any one found giving aid
and comfort to the enemy, Judge Bates proves
to demonstration, that no judge or court can
undertake to reverse this action on the part of
the Commander-in-Chief.

Now, should a judge assume to issue a writ of
habeas corpus for the discharge of a political
prisoner, "when in case of rebellion or in-
vasion," the answer is, that the President has
suspended the "privilege" of the prisoner, of the
"public safety requiring it." Hence, it is no more
necessary formally to suspend the writ of habeas
corpus by a declaration of martial law before
arresting a traitor, than it is to suspend the writ
of habeas corpus for the non-payment of a debt
before arresting a debtor.

Here he brings the question of its fallacy,
and throws an achromatic light on the subject.
He proves that all the powers of the Presi-
dent would be nugatory in suppressing rebellion or
invasion by the capture of insurgents or the
seizure of munitions of war, if a judge might
discharge the prisoner by the writ of habeas
corpus, or the non-payment of a debt by a writ of
habeas corpus. In short, that it would leave the
enemy in entire power to war upon the Govern-
ment to the total subversion of our civil
liberty.

This is the only Government upon earth
where the rights of the people are secured, and
the Attorney General shows its extreme im-
munity, as well as his own benignity of
character on the question of arresting political
offenders.

The President, so far from violating, is le-
gitimately defending the rights of Americans in
arresting criminals who are engaged in secret
or overt war upon this Government.

Instead of handing them over to the courts for
trial, condemnation, and execution, as he has
the clear right to do, and as every other Gov-
ernment has done, and upon earth unquestionably
could, he only holds them as captives to pre-
vent them from destroying the blood-bought
rights, which every citizen who remembers he
is a man, and was born of a woman, should try
to rescue and defend!

ANNA ELIZABETH CARROLL.
Maryland, Sept., 1861.

GOVERNMENT ADVTS.

PENSION OFFICE, JUNE 6, 1861.

Application having been made under the act of
June 6, 1861, for the refund of the land Warrant de-
scribed herein, which is alleged to have been lost
or destroyed, notice is hereby given that, at the date
following the description of each warrant, a new
certificate of the land tenor will be issued, if no valid
objection should appear.

No. 1,729, for 100 acres, issued under the act of
March, 1861, in the name of Amos Arthur, and
granted on the 17th day of August, 1861—October 13,
1861.

No. 60,280, for 60 acres, under the act of 1847, and
bearing date May 6th, 1848, in favor of Michael
Ropp, father of Samuel Ropp, deceased, third land
and volunteers, Mexican War—October 13, 1861.

No. 64,426, for 100 acres, issued under the act of
March, 1861, in the name of James Long, and granted
on the 14th day of May, 1861—October 13, 1861.

No. 21,657, for 100 acres, issued under the act of
March, 1861, in the name of Thomas Tanner, and
granted on the 14th day of May, 1861—October 13, 1861.

No. 9,163, for 100 acres, issued under the act of
March, 1861, in the name of Benjamin Bailey, and
granted on the 27th day of June, 1861—October 13, 1861.

No. 2,623, for 80 acres, issued under the act of
March, 1861, in the name of Samuel H. Waterhouse,
and granted on the 24th day of August, 1861—November
13, 1861.

No. 50,100, for 100 acres, issued under the act of
March, 1861, in the name of Polly, widow of David
Bradbury, and granted on the 14th day of Septem-
ber, 1861—October 13, 1861.

No. 58,811, for 100 acres, issued under the act of
March, 1861, in the name of G. S. Alexander, and
granted July 24, 1861—November 13, 1861.

No. 41,242, for 100 acres, issued under the act of
March, 1861, in the name of Daniel West, and granted
on the 27th day of September, 1861—October 13, 1861.

No. 25,300, for 100 acres, issued under the act of
March, 1861, in the name of William M. Jones, and
granted on the 14th day of May, 1861—October 13, 1861.

No. 41,814, for 80 acres, issued under the act of
March, 1861, in the name of Alexander McCullough,
and granted on the 8th day of January, 1861—Novem-
ber 13, 1861.

No. 60,465, for 100 acres, issued under the act of
March, 1861, in the name of Hannah, widow of
James Wilson, and granted on the 20th day of Feb-
ruary, 1861—October 13, 1861.

No. 8,068, for 100 acres, issued under the act of
March, 1861, in the name of Alexander McCullough,
and granted on the 13th day of October, 1861—Novem-
ber 13, 1861.

GOVERNMENT ADVTS.

HEADQUARTERS OF THE U. S. MARINE CORPS.

QUARTERMASTER'S OFFICE,
WASHINGTON, September 29, 1861.
SEALED PROPOSALS, for each class separately,
will be received at this office until 12 o'clock M.
Wednesday, 30th of November next, for furnishing to
the United States Marine Corps, during the year
1862, the following supplies to be delivered at the
office of the Quartermaster of the corps,
Philadelphia, Pennsylvania, free of expense to the
United States, in such quantities as may from time
to time be ordered, viz:

CLASS No. 1.
14,000 yards of Blue Keweenaw, all wool, free
from hair, 54 inches wide, to weigh 22 ounces to the
yard, (indigo wool dyed).

10,000 yards Dark Blue Keweenaw, all wool, free
from hair, 54 inches wide, to weigh 22 ounces to the
yard, (indigo wool dyed).

8,000 yards Dark Blue Twilled Cloth, all wool, for
uniform coats, (indigo wool dyed), 54 inches wide,
to weigh 13 ounces per yard.

10,000 yards of Scarlet Cloth, all wool, (cochineal-
dyed), 54 inches wide, to weigh 16 ounces per yard.

CLASS No. 2.
8,000 yards of Dark Blue Flannel for over-
coats, all wool, (indigo wool dyed), 44 inches wide,
to weigh 13 ounces per yard.

10,000 yards of 3/4 Dark Blue Flannel, for shirts,
all wool, (indigo wool dyed), 37 inches wide, to weigh
6 1/2 ounces per yard.

1,200 Gray Blankets, all wool, to weigh four
pounds, with 14-16, to be 7 feet long and 5 feet
wide, and free from grease.

6,000 pairs of Woolen Socks, with double and twisted
yarn, to weigh three pounds per dozen pairs, free
from grease.

CLASS No. 3.
8,000 yards White Linen for Pants, 80 inches wide,
to weigh 13 ounces per yard.

10,000 yards White Linen for Shirts, 80 inches
wide, to weigh 11 ounces per yard.

10,000 yards Canton Flannel for Drawers, 27 inches
wide, to weigh 10 ounces per yard.

CLASS No. 4.
1,000 Uniform Caps, complete, (except Pompano),
1,500 Pompano, red worsted, ball-shaped, 5 inches
in circumference.

3,000 Fatigue Caps, (with covers) to be made of
blue cloth, indigo wool dyed.

RAILROADS, ETC.

NEW BOATS—NEW CARS.

FOR BOSTON,
NEW LONDON, NORWICH, AND WORCESTER,
DAILY.
(Sundays Excepted.)
At 8 o'clock, P. M.,
PIER 39 N. E. FOOT OF VESTRY STREET.

The new and magnificent steamer CITY OF BOS-
TON, Wm. Wilcox commander, from New York—
Tuesdays, Thursdays, and Saturdays; and from
Ally's Point—Mondays, Wednesdays, and Fri-
days.

The new and magnificent steamer CITY OF NEW
YORK, Thos. G. Jewett commander, from New
York—Mondays, Wednesdays, and Fridays; from
Ally's Point—Tuesdays, Thursdays, and Sat-
urdays.

These two new steamers have been built expressly
for this route, with all modern improvements, in-
cluding Water Tight Compartments and a steam
engine ever built for Long Island Sound.

Passengers returning from Boston leave the City of
Boston at 10 o'clock, and the City of New York at
11 o'clock, for Boston, and the City of New York at
12 o'clock, for New York.

Freight taken at the Lowest Rates, and delivered
in Boston at the next day.

Passengers returning from Boston leave the City of
Boston at 10 o'clock, and the City of New York at
11 o'clock, for Boston, and the City of New York at
12 o'clock, for New York.

Freight taken at the Lowest Rates, and delivered
in Boston at the next day.

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Freight taken at the Lowest Rates, and delivered
in Boston at the next day.

RAILROADS, ETC.

FOR BOSTON, NEW LONDON AND FALL RIVER.

By the splendid and superior steam-
ers, METROPOLIS, EMPIRE,
STATE, DAY STATE, and STATE OF MAINE,
of great strength and speed, particularly adapted
to the navigation of Long Island Sound, running in
connection with the Fall River and Old Colony
railroad, distance of 84 miles only to Boston.

Leave Pier No. 1, North River, near the Battery,
The steamer METROPOLIS, Capt. Brown,
Mondays, Wednesdays, and Fridays, at 6 o'clock, P.
M., touching at Newport each way.

The steamer EMPIRE, Capt. Brown, on
Tuesdays, Thursdays, and Saturdays, at 6 o'clock,
P. M., touching at Newport each way.

These steamers are fitted with commodious state-
rooms, and every arrangement for the security and
comfort of passengers, who are afforded by this route
a night's rest on board, and on arrival at Fall River,
proceed per steamboat to each station, reaching there
the following morning, or may remain on board until
starting of the accommodation at 8 A. M., by
which they may reach Boston about 8 A. M.

A baggage master attached to each steamer, who
receives and tickets the baggage, and accompanies
the same to its destination.

A steamer runs, in connection with this line, be-
tween Fall River and Providence, daily, except Sat-
urdays.

Freight to Boston is forwarded through with great
dispatch by an Express Train, which leaves Fall
River every morning, Sundays excepted, at 7 A.
M., for Boston, and New Bedford, arriving at its
destination at about 11 A. M.

For freight or passage, apply on board, or at the
office of the Fall River Railroad, at 10 o'clock, P. M.,
and berth, apply on board, or at the office of the
Fall River Railroad, at 10 o'clock, P. M.

For freight or passage, apply on board, or at the
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and berth, apply on board, or at the office of the
Fall River Railroad, at 10 o'clock, P. M.

RAILROADS, ETC.

FOR THE WEST AND SOUTH.

BALTIMORE AND OHIO RAILROAD.

On and after May 10th, 1861, the trains will run as
follows: Leave Camden Station, Baltimore, daily,
except Sunday, at 6:30 A. M., and arrive at
Washington at 10:30 A. M. Both trains go directly through FOR
ALL PARTS OF THE WEST, SOUTHWEST,
AND NORTHWEST.

FOR WAY PASSENGERS.
Between Baltimore and Piedmont take the A. M.
Train; between Piedmont and Washington take the
Washington Train; between Washington and
Camden take the Camden Train; between Camden and
Baltimore take the Baltimore Train.

The BALTIMORE AND OHIO RAILROAD leave Baltimore
at 6:30 A. M. and 6:30 P. M., and arrive at
Washington at 10:30 A. M. and 10:30 P. M., and
arrive at Camden at 10:30 A. M. and 10:30 P. M.

For further information, tickets of every kind,
apply to J. T. ENGLAND, agent at Camden
Station, or at the Ticket Office.

W. P. SMITH,
Master of Transportation,
aug 19 L. M. COLE, Gen'l Ticket Agent.

NOTICE.
"Adams Express Company."
This Company offers to the public "Unparalleled
Advantages" for the "Safe and Quick Dispatch" of
Heavy Freight, Packages, Valuable Money, &c.

Expresses to and from the North and West depart
from and arrive in Washington twice daily.
All Expresses are in charge of experienced and reliable
Messengers.

All Packages for "The Soldiers" carried at "One
and a Half" the usual rates.

All goods for the so-called "Confederate States,"
and all articles "Contraband of War" will be as-
sured.

For Expresses leave New York at 1:50 and 6:30 P. M.,
arriving in Washington at 6 A. M. and 6:30 P. M.

Expresses leave Philadelphia at 6 A. M. and 6 P. M.,
arriving in Washington at 6:30 A. M. and 6:30 P. M.

Expresses leave Baltimore at 6:30 A. M. and 6:30 P. M.,
arriving in Washington at 6:30 A. M. and 6:30 P. M.

All goods called for and delivered free of extra
charge.
Superintendent Adams Express Co.
Washington, August 22, '61. aug 22-10

NATIONAL MEDICAL OFFICE.

ESTABLISHED IN 1849.

Every description of Chronic Diseases promptly removed.

New Remedies: Low Charges: Rapid Cures!

DR. J. H. B. HARRIS & CO. are the only physicians in this city who can permanently cure all acute
diseases without mercury. Our remedies and treat-
ment are entirely unknown to all other, and
many cities afford as by hospital and private
practice, in this and foreign countries, without us
in curing those who are suffering from private dis-
eases that our treatment is attended with unusual
favorable results. All diseases of the Genital Or-
gans, whether of recent or long standing, such as
Gonorrhea, Syphilis, Ulcer, Stricture, &c., are
cured. Ulcers upon the Body such as Erysipelas
throat, Diphtheria, Necrotic ulcers, and those
caused by the old school medical physicians by the
immoderate use of mercury, arsenic, antimony, &c.
are cured.